

BILL NO. A-77-10-

19

APPROPRIATION ORDINANCE NO. A- 21-77

AN ORDINANCE APPROPRIATING FUNDS  
FROM THE GENERAL FUND TO PAY THE  
FEE FOR AN ATTORNEY HIRED TO WORK  
ON LITIGATION AND OTHER MATTERS  
INVOLVING THE SO CALLED  
"EAST END ANNEXATION"

WHEREAS, a Special Ordinance known as S-278-75 was duly enacted hiring an Attorney to work on litigation and other matters involving so called "East End Annexation", being the annexation of territory lying East of the City of Fort Wayne, which territory has been the subject of dispute between Fort Wayne and the Town (now City) of New Haven; and

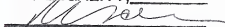
WHEREAS, David B. Keller has performed legal services pursuant to "East End Annexation" litigation which include legal services rendered in connection with the above captioned litigation, including conference and telephone conferences with Mr. Salin; telephone conference with Mrs. Blue, Administrator of the Court of Appeals, regarding the preparation, filing and the processing of a motion to advance; prepared and filed motion to advance in the Noble County case on a docket of the Court of Appeals; prepared supporting papers; letter to Judge Meyers regarding pre-trial conference in the Whitley County case; preparation for and presentation of argument in opposition to the defendants' motion to stay the Whitley County proceedings; preparation of supporting brief, \$2,036.00 and has incurred expenses as follows:

Long distance calls	\$9.85
Special duplicating expenses	10.77

in the total sum of Two Thousand Fifty Six Dollars and 61/100.

WHEREAS, there are sufficient funds in the unappropriated and unexpended balance of the General Fund to cover said

APPROVED AS TO FORM  
AND LEGALITY,

  
CITY ATTORNEY

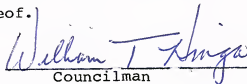
1  
2  
3 appropriation.


4 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL  
5 OF THE CITY OF FORT WAYNE, INDIANA:

6 SECTION 1. That there is hereby transferred from  
7 the unappropriated and unexpended balance of the 1977  
8 General Fund (Fund No. 10) the sum of \$2,056.61 to Account  
9 No. 10-650-269, Legal Services in the 1977 Budget of the  
10 City Clerk.

11 SECTION 2. That the unappropriated and unexpended  
12 balance of the General Fund is hereby reduced in the amount  
13 of \$2,056.61.

14 SECTION 3. This Ordinance shall be in full force  
15 and effect from and after its passage, approval by the Mayor  
16 and legal publication thereof.

17   
18 Councilman

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32 Approved as to form and legality  
this \_\_\_\_ day of October, 1977  
33 

Read the first time in full and on motion by Hinga, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on 8th, the 8th day of November, 1977 at 7:30 o'clock P. M., E.S.T.

DATE: 10-25-77

Charles W. Wiesterman  
CITY CLERK

Read the third time in full and on motion by Hinga, seconded by Stier, and duly adopted, placed on its passage.

PASSED (~~lost~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u>1</u>			
<u>BURNS</u>	<u>✓</u>				
<u>HINGA</u>	<u>✓</u>				
<u>HUNTER</u>	<u>✓</u>				
<u>MOSES</u>	<u>✓</u>				
<u>NUCKOLS</u>	<u>✓</u>				
<u>SCHMIDT, D.</u>		<u>✓</u>			
<u>SCHMIDT, V.</u>	<u>✓</u>				
<u>STIER</u>	<u>✓</u>				
<u>TALARICO</u>	<u>✓</u>				

DATE: 11-8-77

Charles W. Wiesterman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (~~ANNEXATION~~) (~~SPECIAL~~) (APPROPRIATION) ORDINANCE (RESOLUTION) No. A-21-77 on the 8th day of November, 1977 ATTEST: (SEAL)

Charles W. Wiesterman  
CITY CLERK

John Nuckols  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of November, 1977, at the hour of 11:45 o'clock A. M., E.S.T.

Charles W. Wiesterman  
CITY CLERK

Approved and signed by me this 18th day of November, 1977 at the hour of 3:00 o'clock P. M., E.S.T.

Rahad Elamshary  
MAYOR

Bill No. A-77-10-19

REPORT OF THE COMMITTEE ON FINANCE

Re, your Committee on Finance to whom was referred an Ordinance  
appropriating funds from the General Fund to pay the fee for an attorney  
hired to work on litigation and other matters involving the so called  
"East End Annexation"

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance Do PASS.

WILLIAM T. HINGA - CHAIRMAN

JAMES S. STIER - VICE CHAIRMAN

VIVIAN G. SCHMIDT

PAUL M. BURNS

FREDRICK HUNTER

11-8-77 CONCURRED IN  
DATE 11-8-77 CHARLES W. WESTERMAN, CITY CLERK

NOTICE TO TAXPAYERS OF  
ADDITIONAL APPROPRIATIONS

Notice is hereby given to the taxpayers of the City of Fort Wayne, Allen County, Indiana, that the Common Council of said Municipality will, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on Tuesday, the 8th day of November, 19 77 at 7:30 P.M. o'clock, Eastern Standard Time, consider the following additional appropriations which said Council considers necessary to meet an extraordinary emergency existing at this time.

BILL NO. A-77-10-19

There is hereby transferred from the unappropriated and unexpended balance of the 1977 General Fund (Fund No. 10) the sum of \$2,056.61 to Account No. -10-650-269, Legal Services in the 1977 Budget of the City Clerk.

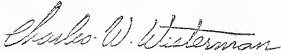
That the unappropriated and unexpended balance of the General Fund is hereby reduced in the amount of \$2,056.61.

Whereas, David B. Keller has performed legal services pursuant to "East End Annexation" litigation which include legal services rendered and has incurred expenses as follows:

Preparation of a supporting brief	\$2,036.00
Long distance calls	9.85
Special duplicating expenses	10.77

and there are sufficient funds in the unappropriated and unexpended balance of the General Fund to cover said appropriation.

Taxpayers appearing at such meeting shall have a right to be heard thereon. The additional appropriation, as finally made, will be automatically referred to the State Board of Tax Commissioners, which Commission will hold a further hearing within fifteen days at the County Auditor's Office of Allen County, Indiana, or at such other place as may be designated. At such hearing, taxpayers objection to any of such additional appropriations may be heard and interested taxpayers may inquire of the County Auditor when and where such hearing will be held.

  
\_\_\_\_\_  
CHARLES W. WESTERMAN  
CITY CLERK

EMERGENCY APPROPRIATION ORDINANCE

WHEREAS, certain extraordinary emergencies have developed since the adoption of the existing annual budget, so that it is now necessary to appropriate more money than was appropriated in the annual budget; now therefore, to meet such extraordinary emergencies:

Sec. 1. Be it ordained by the Common Council of the City of Fort Wayne, Allen County, Indiana, that for the expenses of said municipal corporation the following additional sums of money are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same:

	4-21-77	AMOUNT REQUESTED	AMOUNT APPROPRIATED
BILL NO.	A-77-10-19	\$ 2,056.61	\$ 2,056.61

There is hereby transferred from the unappropriated and unexpended balance of the 1977 General Fund (Fund No. 10) the sum of \$2,056.61 to Account No. 10-650-269, Legal Services in the 1977 Budget of the City Clerk.

	4-21-77	AMOUNT REQUESTED	AMOUNT APPROPRIATED
BILL NO.	A-77-10-19	\$ 2,056.61	\$ 2,056.61

That the unappropriated and unexpended balance of the General Fund is hereby reduced in the amount of \$2,056.61

David B. Keller has performed legal services pursuant to "East End Annexation" litigation in the total sum of Two Thousand Fifty Six Dollars and 61/100, and there are sufficient funds in the unappropriated and unexpended balance of the General Fund to cover said appropriation.

ADOPTED THIS 8<sup>th</sup> DAY OF November, 1978

AYES

NAYS

Paul M. Burns PAUL M. BURNS

William T. Hinga WILLIAM T. HINGA

Fredrick R. Hunter FREDRICK R. HUNTER

Winfield C. Moses, Jr. WINFIELD C. MOSES, JR.

John Nuckols JOHN NUCKOLS

Donald J. Schmidt DONALD J. SCHMIDT

Vivian G. Schmidt VIVIAN G. SCHMIDT

James S. Stier JAMES S. STIER

Samuel J. Talarico SAMUEL J. TALARICO

ATTEST:

Charles W. Westerman  
CHARLES W. WESTERMAN  
CITY CLERK

Jan B. Uebelacker  
AUDITOR OF ALLEN COUNTY  
Nov. 18 1978

*appropriations Ord.*  
70-A-21-77  
Passed 11-8 -

STATE OF INDIANA  
STATE BOARD OF TAX COMMISSIONERS  
201 State Office Building  
Indianapolis 46204

In the matter of Additional Appropriations )  
for: Allen County )  
City of Fort Wayne )

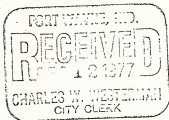
No. 701597

A petition having been filed by the proper legal officers of the above named taxing unit in the matter of additional appropriations, this matter having been set for hearing on 11-30-77, a report having been made and all of the facts having been carefully considered, this Board does now take the following action thereon:

NOT APPROVED:

General Fund  
Funds not available

\$2,056.61



*B. Steele*  
Received from the Office  
of the City Clerk 12-12-77

Reference is made to the appropriation ordinance or resolution of the proper appropriating officials of said taxing unit, adopted:

STATE BOARD OF TAX COMMISSIONERS

*Taylor I. Morris, Jr.*  
Taylor I. Morris, Jr., Commissioner

STATE OF INDIANA  
OFFICE OF THE  
STATE BOARD OF TAX COMMISSIONERS

I, Gordon E. McIntyre, Secretary of the State Board of Tax Commissioners, do hereby certify that the above is a full, true and complete copy of the order of this Board made this date in the above entitled matter.

WITNESS MY HAND and seal of the Board on this the 8th day  
of December, 1977.

bmb

*Gordon E. McIntyre*  
Gordon E. McIntyre, Executive Secretary

STATE BOARD OF TAX COMMISSIONERS  
201 State Office Building  
Indianapolis 46204  
November 23, 1977



TAXING UNIT: Allen County

City of Fort Wayne  
DATE AND TIME OF HEARING November 30, 1977 At time of budget hearing

PLACE OF HEARING: Allen County Auditor's Office

Dear Sir:

Please be advised that a hearing on the Additional Appropriation for the above captioned taxing unit will be held at the place and on the date and time set out above.

If you have not already furnished the following items, please have the same available for our Field Representative:

1. Proof of publication of notice to taxpayers.
2. Certified copy of appropriation ordinance or resolution.
3. Auditor's certificate of filing.
4. Fund ledger and financial records of appropriations and disbursements.

PLEASE BRING TO HEARING:

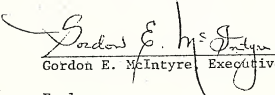
1. The completed financial statement (enclosed).
2. A copy of your current year budget as approved by the State Board of Tax Commissioners.
3. A copy of any contracts involving the appropriation.
4. The project number and project approval letter (if taxing unit is a school corporation).


Upon receipt of our Field Representative's report, we will advise you of our action on this matter.

Final approval of appropriations will not be issued until the above requests have been complied with.

Sincerely,

STATE BOARD OF TAX COMMISSIONERS

  
Gordon E. McIntyre, Executive Secretary

  
Received from the Office  
of the City Clerk - 11-28-77

Enclosure  
SBTC 12-19-74





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

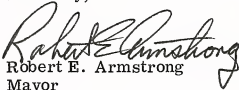
November 18, 1977

### TO THE MEMBERS OF THE COMMON COUNCIL:

Reluctantly, I have signed Appropriation Ordinance No. A-21-77. I object strongly to the principle which this ordinance reflects. It is clearly beyond the right of City Council to hire extra-ordinary legal counsel for the purpose of conducting city business. My opposition to such action, however, is tempered by the knowledge that Mr. Keller has performed legal services for the City and, therefore, should not be personally penalized for the illegal action of City Council.

My signing of this ordinance to pay Mr. Keller does not represent my approval of Council's action, but merely my opinion that under these circumstances Mr. Keller deserves to be paid for services rendered -- however questionable the circumstances of the contract for the services.

Sincerely,

  
Robert E. Armstrong  
Mayor

REA:ip



TITLE OF ORDINANCE APPROPRIATION

6-77-10-19

DEPARTMENT REQUESTING ORDINANCE \_\_\_\_\_

SYNOPSIS OF ORDINANCE An ordinance appropriating funds from  
the general fund to pay the fee for an attorney hired to work  
on litigation and other matters involving the so called  
"East End Annexation".

EFFECT OF PASSAGE Enable City Clerk to pay for attorney fees incurred  
in the East End Annexation.

EFFECT OF NON-PASSAGE Attorney fees could not be paid.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

\$2,056.61

ASSIGNED TO COMMITTEE \_\_\_\_\_

*Finance*



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

room 122

charles w. westerman, clerk

October 26, 1977

Ms. Virginia Grace  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of October 29 and November 4, 1977, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, Indiana

Bill No. A-77-10-19  
Regarding Legal Services for  
David B. Keller

Please send us six (6) copies of the Publisher's Affidavit from both newspapers.

Thank you."

Sincerely, yours,

Charles W. Westerman  
City Clerk

CWW/ne  
ENCL: 1



Common Council of Fort Wayne  
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

2

Body number of lines

55

Tail number of lines

2

Total number of lines in notice

59

## COMPUTATION OF CHARGES

59 lines, 1 columns wide equals 59 equivalent lines at .25¢  
cents per line

\$ 15.28

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

2.00

TOTAL AMOUNT OF CLAIM

\$ 17.28

## DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arvilla Dewald  
Title CLERK

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
Allen County }

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE  
a DAILY newspaper of general circulation printed and publishedin the English language in the city of FORT WAYNE, INDIANA  
in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 8, the dates of publication being as follows:

10/29 &amp; 11/11/77

Subscribed and sworn to before me this 4th day of November 1977

My commission expires September 28, 1979

Notary Public

NOTICE TO TAXPAYERS OF  
ADDITIONAL APPROPRIATIONS

Notice is hereby given to the taxpayers of the City of Fort Wayne, Allen County, Indiana, that the Common Council of said Municipality will, at the Council Chambers, City County Building, Fort Wayne, Indiana, on Tuesday, the 8th day of November, 1977 at 7:30 P.M. o'clock, Eastern Standard Time, consider the following additional appropriations which said Council considers necessary to meet an extraordinary emergency existing at this time.

BILL NO. A-77-10-19  
There is hereby transferred from the unappropriated and unexpended balance of the 1977 General Fund (Fund No. 10) the sum of \$2,036.61 to Account No. 10-650-265, Legal Services in the 1977 Budget of the City Clerk.

That the unappropriated and unexpended balance of the General Fund is hereby reduced in the amount of \$2,036.61.

Whereas, David B. Keller has performed legal services pursuant to "East End Annexation" litigation which includes legal services rendered and has incurred expenses as follows:  
Preparation of a supporting brief \$2,036.61  
Long distance calls \$2.85  
Special duplicating expenses \$10.77and there are sufficient funds in the unappropriated and unexpended balance of the General Fund to cover said appropriation.  
Taxpayers appearing at such meeting shall have a right to be heard thereon. The additional appropriation, as finally made, will be automatically referred to the State Board of Tax Commissioners, which Commission will hold a further hearing within fifteen days of the County Auditor's Office of Allen County, Indiana or at such other place as may be designated. At such hearing, taxpayer objection to any of such additional appropriations may be heard and interested taxpayers may inquire of the County Auditor when and where such hearing will be held.CHARLES W. WESTERMAN  
CITY CLERK

Common Council of Fort Wayne  
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines \_\_\_\_\_

Head number of lines \_\_\_\_\_ 2

Body number of lines \_\_\_\_\_ 55

Tail number of lines \_\_\_\_\_ 2

Total number of lines in notice \_\_\_\_\_ 59

## COMPUTATION OF CHARGES

59 lines, 1 columns wide equals 59 equivalent lines at .25¢ per line \$ 15.28

Additional charge for notices containing rule or tabular work (50 per cent of above amount) \_\_\_\_\_

Charge for extra proofs of publication (50 cents for each proof in excess of two) 2.00

TOTAL AMOUNT OF CLAIM \$ 17.28

## DATA FOR COMPUTING COST

Width of single column 9.9 21 ems Size of type 5½ point

Number of insertions 2 Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arvilla DeWald

Date November 4, 1977

Title CLERK

## PUBLISHER'S AFFIDAVIT

State of Indiana } ss:  
Allen County }

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE  
a DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA  
in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 8, the dates of publication being as follows:

10/29 &amp; 11/1/77

Subscribed and sworn to before me this 4th day of November 1977

My commission expires September 28, 1979

Notary Public

EACH COPY OF  
ADVERTISEMENT HERE

is hereby reduced in the amount of \$2,056.61.

Whereas, David B. Keller has performed legal services pursuant to "East End Annexation" litigation which include legal services rendered and has incurred expenses as follows:

Preparation of a supporting brief ..... \$2,036.00

Long distance calls ..... \$9.85

Special duplicating expenses ..... \$10.77

and there are sufficient funds in the unexpended and unexpended balance of the General Fund to cover said appropriation.

Taxpayers appearing at such meeting shall have a right to be heard thereon. The additional appropriation, as finally made, will be automatically referred to the State Board of Tax Commissioners, which Commission will hold a further hearing within fifteen days of the County Auditor's Office of Allen County, Indiana, or at such other place as may be designated. At such hearing, taxpayers objection to any of such additional appropriations may be heard and interested taxpayers may inquire of the County Auditor when and where such hearing will be held.

CHARLES W. WESTERMAN  
CITY CLERK

Common Council of Fort Wayne  
(Governmental Unit)

To THE NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines \_\_\_\_\_

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Tail number of lines \_\_\_\_\_ 2

Total number of lines in notice \_\_\_\_\_ 59

## COMPUTATION OF CHARGES

59 lines, 1 columns wide equals 59 equivalent lines at .259¢ \_\_\_\_\_  
cents per line \$ 15.28

Additional charge for notices containing rule or tabular work (50 per cent of above amount) \_\_\_\_\_

Charge for extra proofs of publication (50 cents for each proof in excess of two) \_\_\_\_\_ 2.00

TOTAL AMOUNT OF CLAIM \$ 17.28

## DATA FOR COMPUTING COST

Width of single column 9.9 cms Size of type 5 1/2 point

Number of insertions 2 Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

V. E. Gerken

Title CLERK

or 4, 1977

## PUBLISHER'S AFFIDAVIT

State of Indiana ) ss:  
Allen County

Personally appeared before me, a notary public in and for said county and state, the undersigned V. E. GERKEN who, being duly sworn, says that she is CLERK of the NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time, the dates of publication being as follows:

10/29 &amp; 11/4/77

Subscribed and sworn to before me this 4th day of November 1977  
Notary Public

My commission expires September 28, 1979

NOTICE TO TAXPAYERS OF  
ADDITIONAL APPROPRIATIONS

Notice is hereby given to the taxpayers of the City of Fort Wayne, Allen County, Indiana, that the Common Council of said Municipality will, at the Council Chambers, City County Building, Fort Wayne, Indiana, on Tuesday, the 8th day of November, 1977 at 7:30 P.M. o'clock, Eastern Standard Time, consider the following additional appropriations which said Council considers necessary to meet an extraordinary emergency existing at this time.

BILL NO. A-77-13-17

There is hereby transferred from the unappropriated and unexpended balance of the 1977 General Fund (Fund No. 10) the sum of \$2,036.61 to Account No. 10-650-269, Legal Services in the 1977 Budget of the City Clerk.

That the unappropriated and unexpended balance of the General Fund is hereby reduced in the amount of \$2,036.61.

Whereas, David B. Keller has performed legal services pursuant to "East End Annexation" litigation which include legal services rendered and has incurred expenses as follows:

Preparation of a supporting brief \$2,036.00  
Long distance calls \$7.85  
Special duplicating expenses \$10.77

and there are sufficient funds in the unappropriated and unexpended balance of the General Fund to cover said appropriation.

Taxpayers appearing at such meeting shall have a right to be heard thereon. The additional appropriation, as finally made, will be automatically referred to the State Board of Tax Commissioners, which Commission will hold a further hearing within fifteen days of the County Auditor's Office of Allen County, Indiana, or at such other place as may be designated. All such hearings, taxpayers objection to any of such additional appropriations may be heard and interested taxpayers may inquire of the County Auditor when and where such hearing will be held.

CHARLES W. WESTERMAN  
CITY CLERK



